

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-220434.2 **DATE:** November 22, 1985
MATTER OF: C.F. Electronics, Inc.

DIGEST:

When the solicitation in a "brand name or equal" procurement requires that the bid specify the model number of the item to be supplied, the bidder may not be permitted to supply the model number after bid opening since that would give the bidder the opportunity to make a nonresponsive bid responsive.

C.F. Electronics, Inc. protests the rejection of its low bid submitted in response to invitation for bids (IFB) No. DAAB07-85-B-H168, a "brand name or equal" solicitation issued by the Department of the Army for power supplies. The Army rejected the bid as nonresponsive because C.F. Electronics had failed to provide the manufacturer's name and the model number for the item it intended to supply, as required by the IFB.

C.F. Electronics' protest concedes that the required model number and documentation were not provided to the agency until more than a week after bid opening. C.F. Electronics contends that this oversight amounts to no more than a minor technicality providing no basis for a finding of nonresponsiveness. We do not agree.

A bid that lacks a required model or part number under a "brand name or equal" solicitation neither commits the bidder to provide a specific product nor permits the agency to determine exactly what it is agreeing to purchase. Such a bid is nonresponsive because it is not an unqualified offer to provide the exact thing called for by the solicitation, that is, the brand name product or an "equal" that meets the required salient characteristics of the brand name product. Moreover, the bidder may not be permitted to supply the required model number after bid opening since this would give the bidder the option to make a nonresponsive bid responsive, and thus to receive or reject the award. See MEMM General, Inc., B-210939, May 31, 1983, 83-1 CPD ¶ 579.

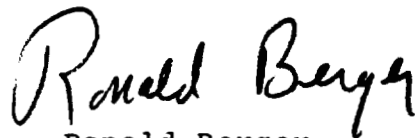
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The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in black ink and is positioned above the printed name and title.

Ronald Berger
Deputy Associate
General Counsel